

House Study Bill 721

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5852YC 81
4 rh/sh/8

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1 1 Section 1. Section 724.6, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. A person ~~may~~ shall be issued a permit to carry weapons
1 4 when the person's employment in a private investigation
1 5 business or private security business licensed under chapter
1 6 80A, or a person's employment as a peace officer, correctional
1 7 officer, security guard, bank messenger or other person
1 8 transporting property of a value requiring security, or in
1 9 police work, reasonably justifies that person going armed.
1 10 The permit shall be on a form prescribed and published by the
1 11 commissioner of public safety, shall identify the holder, and
1 12 shall state the nature of the employment requiring the holder
1 13 to go armed. A permit so issued, other than to a peace
1 14 officer, shall authorize the person to whom it is issued to go
1 15 armed anywhere in the state, only while engaged in the
1 16 employment, and while going to and from the place of the
1 17 employment. A permit issued to a certified peace officer
1 18 shall authorize that peace officer to go armed anywhere in the
1 19 state at all times. Permits shall expire twelve months after
1 20 the date when issued except that permits issued to peace
1 21 officers and correctional officers are valid through the
1 22 officer's period of employment unless otherwise canceled.
1 23 When the employment is terminated, the holder of the permit
1 24 shall surrender it to the ~~issuing officer~~ commissioner of
1 25 public safety for cancellation.
1 26 Sec. 2. Section 724.7, Code 2005, is amended to read as
1 27 follows:
1 28 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.
1 29 Any person who can reasonably justify going armed ~~may~~ shall
1 30 be issued a nonprofessional permit to carry weapons. Such
1 31 permits shall be on a form prescribed and published by the
1 32 commissioner of public safety, which shall be readily
1 33 distinguishable from the professional permit, and shall
1 34 identify the holder thereof, and state the reason for the
1 35 issuance of the permit, ~~and the limits of the authority~~
2 1 ~~granted by such permit.~~ All permits so issued shall be for a
2 2 definite period ~~as established by the issuing officer, but in~~
2 3 ~~no event shall exceed a period of twelve months of three~~
2 4 ~~years.~~
2 5 Sec. 3. Section 724.8, subsection 5, Code 2005, is amended
2 6 to read as follows:
2 7 5. The ~~issuing officer~~ commissioner of public safety
2 8 reasonably determines that the applicant does not constitute a
2 9 danger to any person.
2 10 Sec. 4. Section 724.9, Code 2005, is amended to read as
2 11 follows:
2 12 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM PROGRAMS.
2 13 ~~A training program to qualify persons in the safe use of~~
2 14 ~~firearms shall be provided by the issuing officer of permits,~~
2 15 ~~as provided in section 724.11.~~
2 16 1. The commissioner of public safety shall establish
2 17 minimum standards for a training program designed to qualify
2 18 persons in the safe use of firearms and shall include a course
2 19 of instruction designed to qualify a person on a firing range.

2 20 The program shall include at a minimum an eight-hour course of
2 21 instruction. The course of instruction shall include the
2 22 following topics:
2 23 a. Firearms safety in the classroom, at home, on the
2 24 firing range, and while carrying the firearm.
2 25 b. A physical demonstration performed by the applicant
2 26 that demonstrates the applicant's ability to safely load and
2 27 unload a revolver and a semiautomatic pistol and the
2 28 applicant's marksmanship.
2 29 c. The basic principles of marksmanship.
2 30 d. The law relating to firearms pursuant to chapter 724.
2 31 e. The law relating to the justifiable use of force
2 32 pursuant to chapter 704.
2 33 f. A live fire test administered to the applicant while in
2 34 the presence of a qualified firearms safety instructor as
2 35 defined in section 724.9B of twenty rounds from a standing
3 1 position or its equivalent at a distance from a B=27
3 2 silhouette target, or an equivalent target, of seven yards.
3 3 2. The commissioner of public safety shall approve the
3 4 training program, and the county sheriff or the commissioner
3 5 of public safety conducting the training program within their
3 6 respective jurisdictions may contract with a private
3 7 organization or use the services of other agencies, or may use
3 8 a combination of the two, to provide such a training program
3 9 that meets the minimum standards specified in subsection 1.
3 10 Any person eligible to be issued a permit to carry weapons may
3 11 enroll in such course. A fee sufficient to cover the cost of
3 12 the program may be charged to each person attending.
3 13 Certificates of completion, on a form prescribed and published
3 14 by the commissioner of public safety, shall be issued by a
3 15 qualified firearms safety instructor subject to the
3 16 restrictions of section 724.9A to each person who successfully
3 17 completes the program. No A person shall not be issued either
3 18 a professional or nonprofessional permit unless the person has
3 19 received a certificate of completion or is a certified peace
3 20 officer. No A peace officer or correctional officer, except a
3 21 certified peace officer, shall not go armed with a pistol or
3 22 revolver unless the officer has received a certificate of
3 23 completion, provided that this requirement shall not apply to
3 24 persons who are employed in this state as peace officers on
3 25 January 1, 1978 until July 1, 1978, or to peace officers of
3 26 other jurisdictions exercising their legal duties within this
3 27 state.
3 28 Sec. 5. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.
3 29 A qualified firearms safety instructor shall not issue a
3 30 certificate of completion to an applicant for a permit to
3 31 carry weapons who fails to do any of the following:
3 32 1. Follow the orders of the qualified firearms safety
3 33 instructor or the qualified firearms safety instructor's
3 34 designee.
3 35 2. Handle a firearm in a manner that, in the judgment of
4 1 the qualified firearms safety instructor, poses a danger to
4 2 the applicant or others.
4 3 3. During the live fire testing portion of the training
4 4 program, fails to hit the silhouette portion of the targets
4 5 with at least fifteen rounds.
4 6 Sec. 6. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY
4 7 INSTRUCTOR.
4 8 A firearms safety instructor shall be considered to be a
4 9 qualified firearms safety instructor if the instructor has any
4 10 of the following qualifications:
4 11 1. Is a valid firearms safety instructor certified by the
4 12 national rifle association holding a rating as a personal
4 13 protection instructor or pistol marksmanship instructor.
4 14 2. Submits a photocopy of a certificate of completion of a
4 15 firearms safety instructor course offered by a local, state,
4 16 or federal governmental agency.
4 17 3. Submits a photocopy of a certificate of completion of a
4 18 firearms safety instructor course approved by the department
4 19 of public safety.
4 20 4. Has successfully completed a firearms safety instructor
4 21 course given by or under the supervision of any state, county,
4 22 municipal, or federal law enforcement agency.
4 23 5. Is a certified police officer firearms safety
4 24 instructor.
4 25 6. Is a certified law enforcement academy firearms safety
4 26 instructor.
4 27 Sec. 7. Section 724.11, Code 2005, is amended to read as
4 28 follows:
4 29 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
4 30 Applications for permits to carry weapons shall be made to

~~4 31 the sheriff of the county in which the applicant resides.~~
~~4 32 Applications from persons who are nonresidents of the state,~~
~~4 33 or whose need to go armed arises out of employment by the~~
~~4 34 state, shall be made to the commissioner of public safety. In~~
~~4 35 either case, the The issuance of the permit shall be by and at~~
~~5 1 the discretion of the sheriff or commissioner, who shall,~~
~~5 2 before issuing the permit, determine that issue the permit~~
~~5 3 after determining the requirements of sections 724.6 to 724.10~~
5 4 have been satisfied. However, the training program
5 5 requirements in section 724.9 ~~may shall~~ be waived for renewal
5 6 permits. The ~~issuing officer commissioner~~ shall collect a fee
5 7 of ~~ten thirty~~ dollars, except from a duly appointed peace
5 8 officer or correctional officer, for each permit issued.
5 9 Renewal permits or duplicate permits shall be issued for a fee
5 10 of five dollars. The ~~issuing officer shall notify the~~
5 11 commissioner of public safety ~~shall keep a monthly record of~~
5 12 the issuance of any permit ~~at least monthly and forward to the~~
~~5 13 commissioner an amount equal to and shall collect an~~
~~5 14 additional fee of~~ two dollars for each permit issued and one
5 15 dollar for each renewal or duplicate permit issued. All such
5 16 fees received by the commissioner shall be paid to the
5 17 treasurer of state and deposited in the operating account of
5 18 the department of public safety to offset the cost of
5 19 administering this chapter. Any unspent balance as of June 30
5 20 of each year shall revert to the general fund as provided by
5 21 section 8.33.

5 22 Sec. 8. NEW SECTION. 724.11A RECIPROCITY.

5 23 A person possessing a valid out-of-state permit to carry a
5 24 weapon shall be entitled to the privileges and subject to the
5 25 restrictions prescribed by this chapter provided the state
5 26 that issued the license recognizes weapons permits issued in
5 27 Iowa.

5 28 Sec. 9. Section 724.13, Code 2005, is amended to read as
5 29 follows:

5 30 724.13 REVOCATION OF PERMIT TO CARRY WEAPONS.

5 31 The ~~issuing officer commissioner of public safety~~ may
5 32 revoke any permit to carry weapons when the ~~officer~~
5 33 ~~commissioner~~ learns that any of the conditions required for
5 34 the issuance of that permit as stated in sections 724.6 to
5 35 724.10 have ceased to exist, or when the ~~officer commissioner~~
6 1 learns that that permit was improperly issued. When the
6 2 ~~issuing officer commissioner~~ revokes a permit, the ~~officer~~
6 3 ~~commissioner~~ shall notify the permit holder of such revocation
6 4 on a form prescribed and published by the ~~commissioner of~~
~~6 5 public safety, and shall forward a copy of the form to the~~
~~6 6 commissioner of public safety commissioner's office.~~ From the
6 7 time the permit holder receives notice of revocation, the
6 8 permit shall cease to have any force or effect. Permit
6 9 revocations may be reviewed by writ of certiorari.

6 10 Sec. 10. NEW SECTION. 724.13A IMMUNITY.

6 11 The commissioner of public safety shall not be liable for
6 12 damages in any civil action arising from the alleged wrongful
6 13 issuance, renewal, or failure to revoke a permit to carry
6 14 weapons provided that the commissioner acted in good faith and
6 15 without malice in carrying out the commissioner's official
6 16 duties.

6 17 EXPLANATION

6 18 This bill relates to the issuance of weapons permits.

6 19 Current law provides that a county sheriff in the county in
6 20 which an applicant for a weapons permit resides, or the
6 21 commissioner of public safety if the applicant is a
6 22 nonresident of the state, has discretion in determining
6 23 whether or not to issue a concealed weapons permit to an
6 24 applicant after the sheriff or the commissioner determines the
6 25 applicant meets certain requirements. The bill eliminates
6 26 that discretion and provides that the commissioner of public
6 27 safety and not the sheriff of the county in which the
6 28 applicant for a permit to carry weapons resides shall issue a
6 29 permit to carry weapons upon determining that the requirements
6 30 have been satisfied. The bill provides that the training
6 31 program requirements shall be waived for renewal permits.

6 32 The bill changes the fee for a permit to carry weapons from
6 33 \$10 to \$30.

6 34 The bill provides that a nonprofessional permit to carry
6 35 weapons shall be issued for a three-year period. Current law
7 1 allows the permit to be issued for a period determined by the
7 2 commissioner of public safety or the sheriff not to exceed one
7 3 year.

7 4 The bill amends current law relating to a firearms training
7 5 program. The bill provides that the commissioner of public
7 6 safety shall establish minimum firearms safety standards. The

7 7 bill specifies that the commissioner of public safety shall
7 8 establish certain minimum training standards relating to the
7 9 qualifications of persons in the safe use of firearms and
7 10 shall include a course of instruction designed to qualify a
7 11 person on a firing range.
7 12 The bill provides that a qualified firearms safety
7 13 instructor shall issue a certificate of completion to a person
7 14 who successfully completes the training program, including
7 15 certain specific requirements relating to live fire ammunition
7 16 testing on a firing range. The bill specifically provides
7 17 that a person who does not follow the orders of the qualified
7 18 firearms safety instructor, handles a firearm in a manner that
7 19 poses a danger to the applicant or others, or who, during the
7 20 live fire testing portion of the training program, fails to
7 21 hit the silhouette portion of the targets with at least 15
7 22 rounds, shall not be issued a certificate of completion.
7 23 Under the bill, an applicant for a permit to carry weapons
7 24 shall not be issued a permit to carry weapons unless the
7 25 applicant has received a certificate of completion or is a
7 26 certified peace officer.
7 27 The bill defines a qualified firearms safety instructor as
7 28 a person who meets any of the following qualifications:
7 29 1. Is a valid firearms safety instructor certified by the
7 30 national rifle association holding a rating as a personal
7 31 protection instructor or pistol marksmanship instructor.
7 32 2. Submits a photocopy of a certificate of completion of a
7 33 firearms safety instructor course offered by a local, state,
7 34 or federal governmental agency.
7 35 3. Submits a photocopy of a certificate of completion of a
8 1 firearms safety instructor course approved by the department
8 2 of public safety.
8 3 4. Has successfully completed a firearms safety instructor
8 4 course given by or under the supervision of any state, county,
8 5 municipal, or federal law enforcement agency.
8 6 5. Is a certified police officer firearms safety
8 7 instructor.
8 8 6. Is a certified law enforcement academy firearms safety
8 9 instructor.
8 10 The bill provides that a person possessing a valid out-of=
8 11 state permit to carry a weapon shall be entitled to the
8 12 privileges and subject to the restrictions prescribed by this
8 13 chapter provided that the state that issued the license
8 14 recognizes weapons permits issued in Iowa.
8 15 The bill further provides that the commissioner of public
8 16 safety shall not be liable for damages in any civil action
8 17 arising from the alleged wrongful issuance, renewal, or
8 18 failure to revoke a permit to carry weapons provided that the
8 19 commissioner acted in good faith and without malice in
8 20 carrying out the commissioner's official duties.
8 21 LSB 5852YC 81
8 22 rh:rj/sh/8.1